

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
PATRICIA DUFFY,

Plaintiff,

- against -

CIGNA LIFE INSURANCE CO. OF NEW YORK,
and GOLDMAN SACHS LONG TERM
DISABILITY PLAN,

Defendants.
-----x

ECF Case

2005 CV 1456 (HB) (FM)

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action, by their undersigned attorneys, that

1. Defendant CIGNA Life Insurance Company of New York ("CIGNA") acknowledges and agrees that it is the only party that has issued or underwritten Policy Number NYK-030017 for the Goldman Sachs Long Term Disability Plan pursuant to which plaintiff, Patricia Duffy seeks benefits. CIGNA agrees that it will not assert as a defense the failure to name a proper defendant.

2. Goldman, Sachs & Co. has represented to plaintiff that if she prevails and receives long-term disability benefits, she will be entitled to any other benefits that a similarly situated disability retiree is entitled to receive.

3. The parties agree, by and through their attorneys, that the claims against the Plan shall be and hereby are dismissed without prejudice and without fees or costs to any party.

**Dated: New York, New York
April 26, 2005**

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**Attorneys for Defendant CIGNA Life Insurance
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SO ORDERED:

U.S.D.J.